

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	16-CR-397 (LTS)
	:	
NAJHEA SMITH,	:	
	:	
Defendant.	:	
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ORDER

The Court has requested that Defendant Najhea Smith's violation of supervised release hearing take place via videoconference on the morning of **December 2, 2020, at 11:00 a.m.** No conference date, time, or modality can be confirmed before the end of the preceding week, so counsel are requested to keep their calendars open between the hours of **9 a.m. and 2 p.m. on December 2, 2020**, until further notice.

The Court has also requested that defense counsel be given an opportunity to speak with the Defendant by telephone for fifteen minutes before the proceeding begins; defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time.

In advance of the proceeding, Chambers will email the parties with further information on how to access the videoconference.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form

**at least 24 hours prior to the proceeding.** In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

To the extent that there are any documents relevant to the proceeding (e.g., proposed orders or documents regarding restitution, forfeiture, or removal), counsel should submit them to the Court (by email or on ECF, as appropriate) **at least 24 hours prior to the proceeding.** To the extent any documents require the Defendant's signature, defense counsel should endeavor to get them signed in advance of the proceeding as set forth above; if defense counsel is unable to do so, the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature.

SO ORDERED.

Dated: New York, New York  
November 20, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA

-v-

NAJHEA SMITH,

Defendant.

**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING****16-CR-397 (LTS)**  
-----X**Check Proceeding that Applies**☐ Arraignment

I have been given a copy of the Probation Department's Violation of Supervised Release Report ("Violation Report"), dated October 26, 2020, containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the Violation Report and to have the Violation Report read aloud to me if I wish. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the Violation Report.
- 2) I do not need the judge to read the Violation Report aloud to me.

Date: \_\_\_\_\_  
Print Name
Signature of Defendant

☐ Entry of Admission of Specification(s) of Violation

I am aware that I have been charged with violations of conditions of my supervised release. I have read the Violation Report, containing the supervised release violation charges against me and have consulted with my attorney about those charges. I have decided that I wish admit to certain charged violations. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my admission(s) and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter my admission(s). By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my admission(s) so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the

proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: \_\_\_\_\_

\_\_\_\_\_

Print Name Signature of Defendant

\_\_\_\_\_ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: \_\_\_\_\_

\_\_\_\_\_

Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: \_\_\_\_\_

\_\_\_\_\_

Print Name Signature of Defense Counsel

**Accepted:** \_\_\_\_\_  
Signature of Judge

Date: \_\_\_\_\_